

PROB 12A
(12/98)Rec'd 8/15/05
JLB**United States District Court**

for

Southern District of Ohio**Report on Offender Under Supervision**Name of Offender: **David Butcher**Case Number: **1:01CR00055**Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber**
Senior United States District JudgeDate of Original Sentence: **March 15, 2002**Original Offense: **Conspiracy to Distribute and Possess with Intent to Distribute Marijuana**Original Sentence: **33 months prison, 48 months supervised release**Type of Supervision: **Term Of Supervised Release** Date Supervision Commenced: **October 21, 2003****NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	
No new law violation	On July 24, 2005, Mr. Butcher was arrested in Brown County, Ohio after being charged with Operating a Vehicle While Intoxicated, No Safety Belt, and Child Endangerment (CRB0500882). This case has been continued until August 24, 2005 at 9am.
#2	
No drug use	On June 9, 2005, Mr. Butcher tested positive for cocaine and amphetamines.

U.S. Probation Officer Action:

On March 15, 2002, Mr. Butcher appeared before the Honorable Herman J. Weber, Senior United States District Judge for the Southern District of Ohio and was sentenced to 33 months imprisonment followed by four years supervised release after having been charged with Conspiracy to Distribute and to Possess with Intent to Distribute Marijuana. As a condition of his supervised release, he was ordered to participate in substance abuse treatment at the direction of the probation officer, pay a \$1,000 fine and a \$100 special assessment fee. Until the fine is paid in full, the defendant is prohibited from incurring new credit card charges or opening additional lines of credit and shall provide the probation officer access to any requested financial records.

On October 21, 2003, Mr. Butcher was released from Alvis Halfway House in Dayton, Ohio. This officer met with him on this date and went over his conditions of supervised release, and his possible referral for additional substance abuse treatment. As Mr. Butcher completed the 500 Hour Drug Program while in the

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2

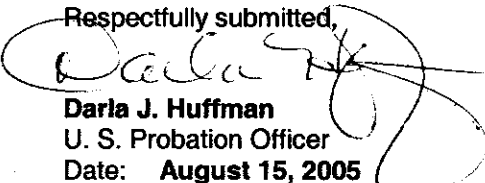
institution and treatment at the Alvis House, it was felt additional counseling was not necessary.


Since being on supervision, Mr. Butcher has had problems between he and his now ex-wife. On several occasions, Mrs. Butcher called this officer stating that Mr. Butcher was harassing her and causing problems to which she was advised to contact the local sheriff's office in Adams County, Ohio. As a result, this officer along with Supervising Probation Officer John Cole have meet with Mr. Butcher advising him to have limited if no contact at all with his ex-wife so that there would not be any problems between them. Mr. Butcher said he would do his best. He claims the problems he has had with his ex-wife are what lead him to use cocaine on June 9, 2005. He states he has not used since and his subsequent urinalysis have been negative.

Unfortunately, on July 24, 2005, Mr. Butcher was arrested in Brown County, Ohio for Operating a Vehicle while Intoxicated, No Safety Belt and Child Endangerment (CRB0500882). According to the police report, officers observed Butcher weaving while driving his vehicle. Upon stopping the vehicle, officers noticed that Butcher smelled strongly of alcohol and was administered a Breathalyzer test and tested .128%. He was subsequently arrested and taken into custody. Butcher stated he had consumed 4-5 beers that evening and on his way home, his daughter was sitting next to him and grabbed the wheel while he was driving. After he was taken into custody, the police let him drive himself home. In the police report, there was no mention of Butcher's daughter being in the car with him


On July 27, 2005, Mr. Butcher appeared in Brown County Municipal Court, and the case has been continued until August 24, 2005 at 9am.

Based on the above information, it is respectfully recommended that the Court take notice of the violation, but that no action be taken at this time pending disposition of the above case and in order for this officer to refer Mr. Butcher to counseling.

Respectfully submitted,
by 
Darla J. Huffman
U. S. Probation Officer
Date: **August 15, 2005**

Approved,
by 
Supervising U. S. Probation Officer
Date: **8/15/05**

- ☒ I concur with the recommendation of the Probation Officer
☐ Submit a Request for Modifying the Condition or Term of Supervision
☐ Submit a Request for Warrant or Summons


Signature of Judicial Officer
8/16/05
Date